IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 6785 of 2007(G)

PETITIONER:

K. RAJAMANI, S/O. KANDU,
AGED 49 YEARS, NELLIYAMPADAM, POLPULLY VILLAGE,
PALAKKAD TALUK AND DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENTS:

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1. TAHSILDAR (REVENUE RECOVERY),
OFFICE OF THE TAHSILDAR, CIVIL STATION, PALAKKAD.

2. DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
PALAKKAD.

R1 BY G.P.SRI.I.V.PRAMOD.

BY ADV. SMT.I.SHEELADEVI, SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.6785 of 2007

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Dated this the 28th day of February, 2007.

JUDGMENT

The only issue raised by the petitioner is that Rule 39 notice was not issued preceding the impugned Exts.P1 and P2. If that is a ground, if the sale is vitiated, such plea would be available to him before the competent authority if he choses to challenge the same. But, that is no ground to interfere with the proposed sale in writ jurisdiction. Placed in this situation, the learned counsel for the petitioner sought indulgence to let the petitioner save the property from distress action.

2. In the aforesaid circumstances, this writ petition is disposed of directing that if the petitioner deposits at the rate of Rs.20,000/- per month, payable on or before the 20th of every month, commencing from March, 2007, the impugned distress action will be kept in abeyance and dropped if the entire amounts, including all accruals and expenses are

thus paid off. If there is default in remitting any of the instalments as aforesaid, the benefit of this judgment will stand recalled automatically and the respondents will be at liberty to proceed with distress action.

Thottathil B.Radhakrishnan,
Judge.

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